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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,186

03/25/2004

Daniel Bigda

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6007

28289

7590

06/09/2006

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EXAMINER

JULES, FRANTZ F

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/809,186	BIGDA ET AL.	
	Examiner	Art Unit	
	Frantz F. Jules	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 0206.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-19 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 3-5 and 20 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03162006</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Erickson et al (US 3,209,707).

Erickson et al discloses a trolley system or a method for positioning the door of a railway box car to cover or uncover an opening in a wall of the elevator comprising an upper track (98) mounted upon the railway box car; an upper trolley (140) having a body with at least one roller (146) rotatably secured therein and is adapted to , wherein the at least one roller of the upper trolley (140) is adapted to support the weight of the door and wherein the at least one roller rests upon the upper track (98); a safety plate (96) as shown in figs. 10-11 connected to the railway box car and positioned above and adjacent to the at least one roller of the upper trolley , wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track, see col 5, lines 41-47.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 6, 8-9, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson et al (US 3,209,707) in view of Harris (US 838,710).

Erickson et al discloses all of the features as discloses above but does not disclose a lower guide which directs the travel of a door along a path. The general concept of providing a lower guide or a trolley with rollers which directs the travel of a door along a path in a door system is well known in the art as illustrated by Harris which disclose the teaching of a lower guide (42) or a trolley (36) which directs the travel of a door along a path. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Erickson et al to include the use of a lower guide or a trolley with rollers which directs the travel of a door along a path in his advantageous trolley system as taught by Harris in order to facilitate travel of the door thus preventing vibration.

5. Claims 10-17, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson et al (US 3,209,707) and Harris and further in view of Ross, Jr. et al (Re. 28,443).

Erickson et al and Harris disclose all of the features as discloses above but does not disclose a lower guide which is a trolley with rollers which directs the travel of a door along a path. The general concept of providing a lower guide or a trolley with rollers which directs the travel of a door along a path in a door system is well known in the art as illustrated by Ross, Jr. et al which disclose the teaching of a lower guide (42) or a trolley (36) which directs the travel of a door along a path. It would have been obvious

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to one of ordinary skill in the art at the time of the invention to modify Erickson et al and Harris to include the use of a lower guide or a trolley with rollers which directs the travel of a door along a path in his advantageous trolley system as taught by Ross Jr et al in order to facilitate travel of the door thus preventing vibration.

6. Claims 1-2, 6, 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hass (US 4,564,087) in view of Ross, Jr. et al (28,443).

Hass discloses a trolley system for positioning the door of an elevator to cover or uncover an opening in a wall of the elevator comprising an upper track (4.1) mounted upon the elevator; an upper trolley (12) having a body with at least one roller (14) rotatably secured therein and is adapted to , wherein the at least one roller of the upper trolley is adapted to support the weight of the door and wherein the at least one roller rests upon the upper track (4.1); a safety plate (4.3) as shown in fig. 3 connected to the railway box car and positioned above and adjacent to the at least one roller of the upper trolley , wherein the plate physically limits the vertical movement of the roller in the upper trolley to prevent derailment of the upper trolley roller from the upper track.

Hass teaches all of the features as disclosed above but does not disclose a trolley system in a railway boxcar. The general concept of providing a trolley system in a railway box car application is well known in the art as illustrated by Mayfield et al which discloses the teaching of a trolley (48) to close the door opening of a box car. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hass to include the use of a trolley system in his advantageous railway box car as

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taught by Mayfield et al in order to allow safe sliding of the door while preventing derailment of the door.

7. Claims 8-17, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hass (US 4,564,087) in view of Ross, Jr. et al (Re. 28,443).

Hass discloses all of the features as discloses above but does not disclose a lower guide or a trolley with rollers which directs the travel of a door along a path. The general concept of providing a lower guide or a trolley with rollers which directs the travel of a door along a path in a door system is well known in the art as illustrated by Ross, Jr. et al which disclose the teaching of a lower guide (42) or a trolley (36) which directs the travel of a door along a path. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hass to include the use of a lower guide or a trolley with rollers which directs the travel of a door along a path in his advantageous trolley system as taught by Ross Jr et al in order to facilitate travel of the door thus preventing vibration.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hass (US 4,564,087) and Ross, Jr. et al (Re. 28,443), as applied to claim 7 and further in view of Shaver et al (US 3,768,422).

Hass and Ross, Jr et al teach all the limitations of claim 7 except for a trolley system comprising a plate which extending to generally enclosed the upper trolley to act as a safety shield. The general concept of providing a plate which extending to generally enclosed the upper trolley to act as a safety shield in a door assembly is well known in the art as illustrated by Shaver et al which disclose the teaching of a plate (43) which

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extending to generally enclosed the upper trolley (28) to act as a safety shield. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hass and Ross, Jr et al to include the use of a plate which extending to generally enclosed the upper trolley to act as a safety shield in his advantageous trolley system as taught by Shaver et al in order to increase safety in the trolley system.

### ***Response to Arguments***

9. Applicant's arguments filed 03/16/2006 have been fully considered but they are moot in view of the new ground of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dohring et al are cited to show related sliding door comprising lower guide track.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 272-6681. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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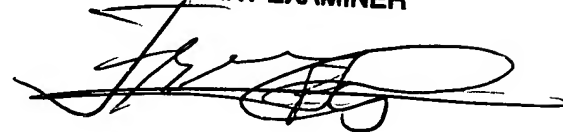
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Frantz F. Jules  
Primary Examiner  
Art Unit 3617

FFJ

August 23, 2005

**FRANTZ F. JULES  
PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Frantz', with a long horizontal flourish extending to the right.